

**REMARKS**

Claims 1-42 are currently pending. Claims 1-10, 14, 15, 20, and 29-42 stand rejected under 35 U.S.C. § 102(b) and claims 11-13, 16-19, and 21-28 stand rejected under 35 U.S.C. § 103(a).

The Applicants appreciate the Examiner's granting a telephone interview on October 4, 2010, pursuant to which claims 1, 20, and 37 have been amended. At the interview, the Examiner indicated that the above amendments should overcome the art and allowance would issue subject to an updated search.

In view of the above amendments and for the reasons provided below, the Applicants respectfully traverse the grounds for rejection.

**SECTION 102(b) REJECTIONS**

Claims 1-10, 14, 15, 20, and 29-42 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Number 6,646,272 to Rushbrooke ("Rushbrooke").

Independent claims 1, 20, and 37 of the present invention recite, respectively, a microfluidic device, a method of manufacture, and a microfluidic device. In pertinent part, the devices include a substrate and a formed layer that is in contact with the surface of the substrate.

In contrast, Rushbrooke discloses an adapter plate (24) having bundles of optical fibers (32) and a sample plate (20) having a plurality of wells (26). As shown in Rushbrooke Figs. 3, 5, and 7, the sample plate (20) is not "formed on" or "in contact with" the surface of the adapter plate (24) as recited in

the claims; but, rather, an air gap exists between the surfaces of each. Because Rushbrooke teaches moving sample plates to be in registration with the adapter plate, Rushbrooke does not teach, mention or suggest a formed layer that is integrally formed on and in contact with the surface of the substrate. See, e.g., Rushbrooke, col. 11, lines 31-35.

Accordingly independent claims 1, 20, and 37 and all claims depending therefrom satisfy all of the requirements of 35 U.S.C. § 101, et seq. -- especially § 102(b) -- and are in condition for allowance. Withdrawal of the grounds for rejections is respectfully requested.

#### SECTION 103(a) REJECTIONS

Claims 11-13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Rushbrooke and claims 16-19 and claims 21-28 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Rushbrooke in view of U.S. Patent Application Publication Number 2003/0027327 to Cunningham ("Cunningham").

For the same reasons that Rushbrooke does not anticipate independent claims 1 and 20, it also cannot make obvious claims depending therefrom. Nor can Cunningham make up for the shortcomings of Rushbrooke. More particularly, Cunningham does not teach, mention or suggest forming a layer on the surface of an optical fiber-filled substrate.

Accordingly claims 11-13, 16-19, and 21-28 satisfy all of the requirements of 35 U.S.C. § 101, et seq. -- especially § 103(a) -- and are in condition for allowance. While it is believed that the

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Examiner agreed to do so, we specifically request withdrawal of the grounds for rejections is respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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